

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

v.

ANNETTE ALVAREZ

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**DOCKET NO. 6:12-cr-71
6:12-mj-28**

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On October 1, 2012, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Annette Alvarez. The government was represented by Bill Baldwin, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Ken Hawk.

Defendant originally pled guilty to the offense of Possession with Intent to Distribute 8.008 Kilograms of Cocaine, a Class A felony. The offense carried a statutory maximum imprisonment term of life. The United States Sentencing Guideline range, based on a total offense level of 29 and a criminal history category of I, was 120 months. On November 14, 2002, the Honorable Hayden W. Head, Jr. of the Southern District of Texas sentenced Defendant to 120 months followed by 5 years of supervised release subject to the standard conditions of release, plus special conditions to include substance abuse testing and treatment, as well as mental health treatment. On March 4, 2011, Defendant completed the term of imprisonment and began her term of supervised release. On August 7, 2012, this case was transferred to the Eastern District of Texas and assigned to Chief U.S. District Judge Leonard Davis because Defendant was convicted for the offense of Possession with Intent to Distribute More than 5 Kilograms of Cocaine, Docket No. 6:12CR00016-001, in the Eastern District. On August 8, 2012, Judge Davis sentenced Defendant to 135 months in prison.

Under the terms of supervised release, Defendant was prohibited, in relevant part, from committing another federal, state, or local crime and unlawfully possessing a controlled substance. In its petition, the government alleges that Defendant violated her term of supervised release by committing the offenses of Conspiracy to Possess with Intent to Distribute More than 5 Kilograms of Cocaine and Possession with Intent to Distribute More than 5 Kilograms of Cocaine.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by committing the offense of Possession with Intent to Distribute More than 5 Kilograms of Cocaine, Defendant will have committed a Grade A violation. U.S.S.G. § 7B1.1(a). The Court shall then revoke supervised release. U.S.S.G. § 7B1.3(a)(1). Considering Defendant's criminal history category of I, the Guideline imprisonment range for a Grade A violation is 24 to 30 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated they had come to an agreement to resolve the petition whereby Defendant would plead true to the government's petition in its entirety. In exchange, the government agreed to recommend that Defendant serve 18 months to run consecutively with the imprisonment imposed in Docket No. 6:12CR00016-001, with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court **RECOMMENDS** that Annette Alvarez be committed to the custody of the Bureau of Prisons for a term of imprisonment of 18 months to run consecutively with the imprisonment imposed in Docket No. 6:12CR00016-001, with no supervised release to follow. The Court further **RECOMMENDS** that the place of confinement be FCI Bryan, Texas.

Defendant has waived her right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 1st day of October, 2012.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE